

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RONALD D. PEAK,

Plaintiff,

v.

WILLIAM HUTCHINSON, et al.,

Defendants.

Case No. 3:22-cv-00566-ART-CLB

ORDER

Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Carla L. Baldwin (ECF No. 16), recommending this action should be dismissed without prejudice.

Plaintiff had until July 28, 2023, to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R, and will dismiss this action without prejudice.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but only if, one or both parties file objections to the findings and recommendations.”); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

1 Because there is no objection, the Court need not conduct de novo review,
2 and is satisfied Judge Baldwin did not clearly err. After an unsuccessful inmate
3 mediation, the Court denied Plaintiff's application to proceed *in forma pauperis*
4 for inmates as moot because Plaintiff was no longer incarcerated and directed
5 Plaintiff to file an application for non-inmates or pay the full \$402 filing fee by
6 May 25, 2023. (ECF Nos. 10, 12). On June 8, 2023, the Court *sua sponte* granted
7 Plaintiff an extension of time to file a completed application or pay the full filing
8 fee and ordered Plaintiff to provide an updated address to the Court by no later
9 than July 10, 2023. (ECF No. 14). To date, Plaintiff has failed to file an updated
10 application or pay the filing fee and has not updated his address. Therefore,
11 Judge Baldwin recommended dismissing this action without prejudice. (ECF No.
12 16).

13 The Court agrees with Judge Baldwin. Having reviewed the R&R and the
14 record in this case, the Court will adopt the R&R in full.

15 IT IS THEREFORE ORDERED that Judge Baldwin's Report and
16 Recommendation (ECF No. 16) is accepted and adopted in full.

17 IT IS FURTHER ORDERED that this action is DISMISSED WITHOUT
18 PREJUDICE. The Clerk of the Court is directed to CLOSE THE CASE and ENTER
19 JUDGMENT accordingly.

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21 DATED THIS 14th day of August, 2023.

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25 ANNE R. TRAUM
26 UNITED STATES DISTRICT JUDGE
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